

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06cv512**

GERARD ECKHARDT,

Plaintiff,

Vs.

BANK OF AMERICA, N.A.

Defendant.

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ORDER

THIS MATTER is before the court upon defendant's Motion for Summary Judgment (#32) and upon its Notice of Withdrawal of such motion filed June 24, 2008. The court finds such notice to be in compliance with the court's earlier orders and further that the request contained therein to deny the Motion for Summary Judgment without prejudice is in the interests of justice.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Summary Judgment (#32) is **DENIED** without prejudice as withdrawn.

Signed: July 21, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

